



DECISION AND STATEMENT OF REASONS OF FIONA WATSON, LEGAL MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED POWERS OF THE CHAMBER PRESIDENT

Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules")

in connection with

178 Walker Crescent, Inverness, IV2 7NB ("the Property")

Case Reference: FTS/HPC/PR/25/5232

Zaraq Jamil, 16 Hazelmere Road, Fulwood, Preston, Lancashire, PR2 9UL ("the Applicant")

1. The Applicant seeks a Wrongful Termination Order in terms of Rule 110 of the Rules. The Applicant lodged the following documents with the application:
 - (i) Tenancy agreement
 - (ii) Screenshot of rent payments
 - (iii) Copy text messages with landlord

DECISION

2. The Legal Member considered the application in terms of Rule 8 of the Chamber Procedural Rules. That Rule provides:-

Rejection of application

8.—(1) The Chamber President or another member of the First-tier Tribunal under the delegated powers of the Chamber President, must reject an application if—

- (a) they consider that the application is frivolous or vexatious;*
- (b) the dispute to which the application relates has been resolved;*
- (c) they have good reason to believe that it would not be appropriate to accept the application;*
- (d) they consider that the application is being made for a purpose other than a purpose specified in the application; or*
- (e) the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, there has been no significant change in any material considerations since the identical or substantially similar application was determined.*

(2) Where the Chamber President, or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, makes a decision under paragraph (1) to reject an application the First-tier Tribunal must notify the applicant and the notification must state the reason for the decision.

3. After consideration of the application and the documents submitted by the Applicant in support of same, the Legal Member considers that the application should be rejected on the basis that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Rules.

Reasons for Decision

4. An email was sent to the applicant on 30 December 2025 seeking further information from the Applicant as follows:
 - (i) “You have made an application for a wrongful termination order under rule 110 of the Tribunal rules of procedure. A wrongful termination order can be made where a private residential tenancy has been brought to an end in accordance with section 50 of the Private Housing (Tenancies)(Scotland) Act 2016 and the Tribunal finds that the former tenant was misled into ceasing to occupy the let property by the landlord under the tenancy immediately before it was terminated. From the information provided to date it would appear that you may not have occupied the property and that it was not terminated by service of a notice to leave under section 50 of the 2016 Act. Please clarify the basis on*

- which the application is made.*
- (ii) *If you did occupy the property and a notice to leave was served please provide a copy of the notice to leave and evidence that the tenancy was unlawfully terminated as required by rule 110.*
6. On 30 December 2025 the Applicant replied stating that he did not occupy the Property, and he was not served with a notice to leave.
 7. A further email was sent to the applicant on 3 February 2026 stating that the tribunal could not provide the respondent with legal advice, however *“it appears from what you have said that you cannot proceed under rule 110. Please submit an amended application that clearly outlines the legal basis for your claim and the corresponding rule. Alternatively, please confirm that the application can be withdrawn.”* No response was received from the Applicant.
 8. A further email was sent to the applicant on 11 March 2026 seeking a response to the previous emails and advising that failure to respond would likely result in the application being rejected. No response was received from the Applicant.
 9. The Applicant has failed to cooperate with the tribunal in their reasonable requests for information. On the basis of the information provided by the applicant, being that he did not occupy the Property and was not served with a Notice to Leave, the application does not meet the requirements of either sections 57 or 58 of the Private Housing (Tenancies) (Scotland) Act 2016 to be able to competently seek a Wrongful Termination Order and therefore has little prospect of success. The Legal Member therefore determines that there is good reason to believe that it would not be appropriate to accept the application. The application is rejected on that basis.

What you should do now

If you accept the Legal Member’s decision, there is no need to reply.

If you disagree with this decision –

An applicant aggrieved by the decision of the Chamber President, or any Legal Member acting under delegated powers, may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them. Information about the appeal procedure can be forwarded to you on request.

Fiona Watson

Fiona Watson
Legal Member
15 May 2026